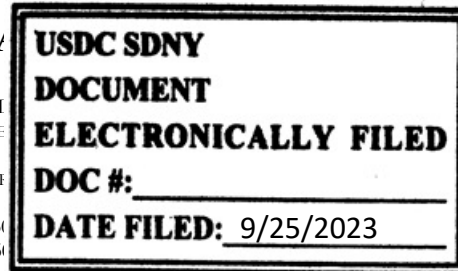


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September 15, 2023

Via ECF

Hon. Katharine H. Parker
United States District Court for the
Southern District of New York
500 Pearl Street, Room 750
New York, New York 10007

Re: John Doe v. City of New York, et al., 22-CV-2690 (PKC) (KHP)

Dear Judge Parker:

This office represents Plaintiff in this case. We submit this letter-motion to the Court for leave to serve on cell service providers subpoenas for phone records from cellular phones used by Defendant Richard Roe during the relevant time period. We are seeking leave from the Court because counsel for Defendants Roe and the City objected to our request for Defendant Roe's phone numbers and cell service providers during his deposition, and to resolve the dispute we agreed to make an application to the Court for leave to issue subpoenas for Defendant Roe's phone records. Defendant Roe continues to object to service of these subpoenas.

As the Court knows, the chronology of communications between Defendant Richard Roe and Plaintiff John Doe, as well as communications between Defendant Roe and other law enforcement officers, is critical to Plaintiff's case. Plaintiff testified at his deposition that he communicated with Defendant Roe via at least three phone numbers: Defendant Roe's department-issued cell phone number, Defendant Roe's personal cell phone number, and at least one other number. Defendant Roe has denied that he spoke with Plaintiff on any phone other than his department-issued cell phone.

Plaintiff needs to be able to examine Defendant Roe's phone records to assemble a complete record of all communications between himself and Defendant Roe during the relevant time period. Plaintiff asks the Court to permit him to issue subpoenas to the three primary cell service providers in the U.S.—T-Mobile, AT&T, and Verizon—for all phone numbers owned by

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

Page 2

Defendant Richard Roe during 2018 and all phone records associated with those numbers between January 1, 2018 and December 13, 2018. Plaintiff's counsel has already agreed to treat Defendant Roe's personal cell phone number(s) and their respective providers as attorneys' eyes only and will agree to treat any phone records associated with those cell phone numbers as attorneys' eyes only as well.

Respectfully submitted,

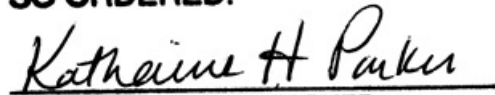
/s/

Emily K. Wanger

c. All Counsel, via ECF

Having considered the positions of all parties, the Court DENIES the instant request for leave to serve third-party subpoenas as not proportional to the needs of the case, and because the request unnecessarily intrudes on Defendant Roe's privacy.

SO ORDERED:

A handwritten signature in black ink, reading "Katharine H. Parker", is written over a horizontal line.

HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE 9/25/2023